

FISCAL NOTE
HB 2345 - SB 2745

March 17, 1998

SUMMARY OF BILL: Reduces the blood alcohol concentration necessary to constitute a DUI violation from .10 percent to .08 percent; reduces blood alcohol concentration at which a person is presumed to be DUI from .10 percent to .08 percent; and reduces the blood alcohol concentration at which a second or subsequent DUI offender is presumed to be DUI from .08 percent to .05 percent.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$22,100/Incarceration*
Increase State Revenues - Not Significant

Increase Local Govt. Expenditures - Exceeds \$1,940,000**
Increase Local Govt. Revenues - \$900,000

Assumes:

- there could be an increase in the number of persons convicted of *vehicular homicide by intoxication*. In 1996, 24 offenders were convicted of vehicular homicide by intoxication, which is a Class B felony, and 49 offenders convicted of "reckless" vehicular homicide, a Class C felony. The estimate assumes that one conviction per year would be elevated from the Class C offense to a Class B offense due to the provisions of this bill.
- an increase in state revenues from driver license reinstatement fees that would not have been collected in the absence of this bill.
- an increase in local government expenditures for confining approximately 2,100 additional first offenders for a minimum of 2 days; 400 second offenders for a minimum of 45 days; and 200 third and subsequent offenders at a minimum of 120 days at an average cost of \$42 per day.
- an increase in local government revenues from fines collected from approximately 2,100 convicted first offenders at a minimum of \$350 per offender; 400 second offenders at a minimum of \$600 per offender; and 200 third and subsequent offenders at a minimum of \$1,100 per offender. Assumes a 75% fine collection rate.

*Section 9-6-119, TCA, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

**Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director